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“The Most Harsh and Frank Gangster Picture We Have Ever Had.”

Censoring Howard Hawks' *Scarface*<sup>1</sup>

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*This article is one of the products resulting from research I conducted on Ben Hecht and scriptwriting in classical Hollywood. My research centered on Chicago, which I discovered thanks to Rebecca West, who in 2004 invited me to serve as visiting professor in her Department at The University of Chicago. Our friendship flourished, on both sides of the Atlantic, talking about Cary Grant and eating “tjarin al tartufo”. The characters I deal with in this essay have nothing of Cary’s elegance, and eat much simpler food, but I suspect Rebecca won’t mind. These tough guys from Brooklyn have a lot in common with the Italian and Italian-American men she investigated in so many articles and courses, as well as with her beloved anti-hero Tom Ripley.*

On the night of March 31, 1932, *Scarface*, produced by Howard Hughes, written by Ben Hecht, and directed by Howard Hawks, had its world premiere in New Orleans. Commercial release started on April 9. The film had been finished since September 1931, but Hughes, along with Lincoln Quarberg, his publicity strategist, had to overcome the opposition by the Hays Office. In 1930, Hollywood had introduced preemptive censorship in the form of the Production Code, in order to appease the religious groups advocating a moralization of the American movies. Following the Code became mandatory only in 1934, but even before that the Hays Office would actively interfere with the production of a film (see Maltby 1993). Gangster movies in particular were under close

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<sup>1</sup> I thank the Margaret Herrick Library, Academy for Motion Picture Arts and Sciences (Los Angeles), the Bibliothèque du Film, Cinémathèque Française (Paris), and the Newberry Library (Chicago), for letting me research their collections. I also thank George Chauncey, Ronald Gregg, Silvano Montaldo, Sabrina Negri, and Debbie Rusch, who generously helped me to improve the style and content of this article.

scrutiny because of the belief that they encouraged crime (see Springhall 1998; Munby 1999). The gangster movie that received far more attention than any other from the Hays Office was *Scarface*.

*Scarface*'s censorship has been investigated by other scholars (Springhall 1998; Yogerst 2017). In this article, I will not only reconstruct the relationship that sprung between Caddo, Hughes' film company, and the Hays Office during *Scarface*'s production. On the basis of this historical evidence, I will address a question that has not yet been investigated. How did it happen that a movie so attentively – even obsessively – scrutinized by film censors, who imposed numerous changings, still presented an incestuous passion between the protagonist and his sister? Trying to answer to this question, I will sketch a broader hypothesis regarding the representation of criminals – especially Italian-American criminals – in Hollywood classical cinema.

*Scarface* was problematic from its inception. First of all, it arrived 'last.' Hawks' film was the third of the genre's founding trio, which includes Mervyn LeRoy's *Little Caesar* (1931) and William Wellman's *The Public Enemy* (1931). Therefore, the censors already knew they had to handle gangster movies with caution, and were primed to act.<sup>2</sup> Second, while *Little Caesar* and *The Public Enemy* told stories of pure fantasy, albeit loosely inspired by real events, *Scarface* was closely and clearly connected to America's number one gangster, Al Capone. Even though the protagonist (Paul Muni) is called Tony Camonte, he shares his nickname, Scarface, with Capone. The movie's main plot is basically Capone's story. The relationship between Tony and his boss-rival Johnny Lovo corresponds to the relationship between Capone and Johnny Torrio, with the difference that Torrio was not killed by Capone, but retired peacefully. The assassination of "Big Louie" Costillo, in the opening sequence, mirrors the killing of "Big Jim" Colosimo, the first leader of Chicago's Italian mob. Other episodes of the film are modeled on real events, such as the assassination of Irish mobster Dion O'Banion in his flower shop (1924) and the Saint Valentine's Day Massacre (1929). Given Capone's history of systematically bribing politicians and policemen,

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<sup>2</sup> In the case of *Little Caesar*, the censors could not act, because its production began "before the code was adopted, and therefore no script was submitted" (Black 1989, 175).

(see Russo 2001), visualizing his story was risky. The novel on which the script is loosely based, Armitage Trail's *Scarface*, published in 1930, is clear on this point, but a Hollywood movie was not allowed to portray cops and judges on a gangster's payroll. Lewis Milestone's *The Racket*, based on Bartlett Cormack's play and produced by Hughes in 1928, depicted crooked public officials, but that was before the Production Code.<sup>3</sup>

The first relevant clue regarding the making of *Scarface* in the Hays Office's records, held by the Margaret Herrick Library, is a note dated January 26, 1931, by Jason Joy, head of the Studio Relations Committee, which implemented the Code before the Production Code Administration was established in 1934. In this note, Joy reports a conversation with Hughes about Ben Hecht writing a screenplay based on Capone's life. He says they have agreed to discuss the script as soon as it is completed. Actually, a first discussion took place before the script was completed, on March 7, when Joy met Hawks, Hughes, and Fred D. Pasley, Capone's biographer, who worked un-credited. Joy concludes noting the absence of a rough draft. A complete script was produced in the following weeks, since on May 26 Caddo asks Joy for "another emergency reading" (Derr 1931) of the script demanding a quick reply, because they are ready to shoot. Evidently, Joy had already asked for changes to the script, since the letter ends with this paragraph:

Where we mention specific names, we propose to change those names if they refer to any real person; likewise we will not definitely refer to Chicago but rather will always substitute the word "city," and in the case of signposts, they will not indicate Wabash Avenue (Derr 1931).

The movie never overtly mentions Chicago, but for any spectator with some knowledge of the Windy City, it is self-evident that it is the film's setting. The film's opening scene starts with a street sign reading 22<sup>nd</sup> Street. Then the camera pans to the entrance of the Costillo Café, where a sign reads: "1<sup>st</sup> Ward. Stag Party To-Night". Chicago's notorious First Ward was the heart of

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<sup>3</sup> Films openly depicting corrupt cops, such as John Cromwell's *The Racket* (1951), a new adaptation of Cormack's play, or Fritz Lang's *The Big Heat* (1953), reappeared in the early fifties, when the Code's power began to be questioned, the first Hollywood movie released without the Hays Office's seal being Otto Preminger's *The Moon Is Blue* (1953). For a filmography of corrupt cops films see Gustafson 2007.

Colosimo's – and then Capone's – empire, and 22<sup>nd</sup>, one of its thoroughfares, well known for hosting a variety of illicit activities.

On June 1<sup>st</sup>, 1931, we encounter the first substantial evidence about the censors' opinion on *Scarface*. A two-page report for Will Hays presents a list of scenes and dialogue that should be changed. Along with “coarse, profane and salacious” expressions that “must be left out,” the chief problem, mentioned in the first paragraph, is the representation of the Italian community:

There is present a great deal of Italian atmosphere in the names of the various foods consumed and use of personal names. The mother of the criminal is painted as a grasping virago, distinctly an Italian criminal type mother. All of these presentations would be highly objectionable to millions of Italians in this country. The mother should have been endowed with graceful virtues and the son painted as a black sheep (Simon 1931, 1).

The film's “Italian atmosphere” is noticeable: English spoken with an Italian accent, here and there a word or two in Italian, typically Italian gestures and body language, and Tony's passion for food with lots of garlic. There are some approximations, like the name of Tony's right-hand man, Guino Rinaldo, played by George Raft. The correct spelling would be Guido, but of course this is a minor detail in a mainstream movie.<sup>4</sup> *Scarface* relies heavily on the exotic folklore of Italian-Americans. Tony whistles a piece from Donizetti's *Lucia di Lammermoor* on the verge of every murder, while in the first drafts of the screenplay it was the popular Neapolitan song *Torna a Surriento* (see Hecht n.d., 4). The shift to opera was probably made because of Capone's great passion for opera, something Pasely mentions in his book (Pasley 1930, 8).

On the one hand, the film employs Italian and Italian-American culture and icons. A note on George Raft written by the Quarberg's department for the film's launch insists on Raft's resemblance to Rudolph Valentino, underscoring that both actors started their careers as dancers in New York nightclubs (Quarberg Papers, box 5, folder 55). On the other, Caddo tried to please the censors. Tony's mother, who in the first drafts is literally described as a “witch” (Hecht n.d., 24), in

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<sup>4</sup> E.R. Hagemann (1984) spells it Gino. That would be a correct Italian name, but the name's sound in the movie is unquestionably Guino, and that is how it is spelled in the police cable at the end of the film. On *Scarface*'s reception in Italy, see Mereu Keating 2016.

the film becomes a far gentler figure victimized by her son. Moreover, against Hawks' will (he did not shoot this scene), Caddo inserted an episode set in the office of a newspaper, where various Chicago city fathers discuss the gangster plague. We watch and listen as a law abiding Italian-American, with a marked Italian accent, complains about the shame the criminals bring to his people.

For the Hays Office, the point is not just the Italian community, but ethnic minorities in general. After its warning about the Italians, the June 1<sup>st</sup> report reads: "For the same general reason, the lawyer, Epstein, should not be so pronouncedly Jewish" (Simon 1931, 1). In the script, the gangland lawyer is described as "an alert little Jewish lawyer" (Hecht n.d., 12), who speaks with a Central-European accent: "Can't hold you vidout booking you... no matter vot they think you've done" (Hecht n.d., 14). Hecht himself was Jewish and presumably did take offence in these lines, but Caddo accepted the censors' advice. In the film, the lawyer keeps his Jewish-sounding surname Epstein, but speaks standard English.

Hughes was also ready to cede on another issue: "Reference as to connivance with City Hall and with the office of the District Attorney should be deleted" (Simon 1931, 1). Even though the first drafts had far fewer allusions to corruption among politicians and cops than Trail's novel, a couple of scenes overtly addressed the issue. In the copy held by the Cinémathèque Française (very similar to that of the Newberry Library), dated May 22, 1931, which very likely is the draft referred to by the June 1<sup>st</sup> report, Johnny Lovo says: "It's my money that keeps things quiet down at the City Hall" (Hecht 1931, 33). And at pages 48-49, we see Lovo in the State Attorney's office, coordinating his criminal activity with the Attorney and his assistant. Again, all this is absent from the movie.

But Caddo stood his ground about the depiction of violence. By mid-June, Joy finds the script "more satisfactory," but that it still holds "the most harsh and frank gangster picture we have ever had" (Joy 06/17/31). In July, Hays personally writes: "Obviously, the script as prepared is not within the Code" (Hays 1931). In August, after seeing some rushes, the censors think that "the

picture will be able to play only in about 50% of the theatres in the country unless radical revisions are made in the treatment” (McKenzie 1931). Caddo and the Hays Office fight for months, until the start of 1932. Slowly, Hughes seems to accept the censors’ suggestions, “emasculating” the movie, as Quarberg describes it in a telegram dated March 25, 1932 (Quarberg Papers, box 2, folder 11). Since the Hays Office considers the ending in which Tony walks into a firestorm of police bullets too heroic, Caddo accepts shooting a new one. In this new ending, without Muni (the sequence is largely filmed from Tony’s point of view, so we do not see Muni on screen), Tony listens to a judge’s moral tirade and then is executed. Caddo even accepts to change the film’s title. In a crescendo of unaware irony, the censors proposed a series of titles: *Shame of the Nation*, *The Shame of a Nation*, and finally *Yellow!* (to underline Tony’s cowardice).

During this protracted fight, United Artists, the film’s distributor, stood with the Hays Office, presumably because the Hollywood community always mistrusted Hughes as a suspicious outsider. On February 26, 1932, Joseph Schenck, chief of United Artists, wrote to Hays: “I don’t think it will ever get by the board of censors wherever there is censorship and Hughes should be permitted to get what he can out of the picture in the spots where there is no censorship and where local authorities permit him to run it” (Schenck 1932). Here, Schenck seems at least to seek some mercy for Hughes. In a letter by Joy, Schenck appears in a worse light: “Mr. Schenck has assured Mr. Hays on the telephone that he (Schenck) will not permit ‘SCARFACE’ to go out except as described in Version C [the ‘emasculated’ version]” (Joy 1932).

Just as in a Hollywood movie, where the hero who seemed on the verge of defeat finally triumphs, in March 1932, after months of fruitless negotiations, Hughes screened the movie for the press. At the Chinese Theatre, on March 2, *Scarface* was cheered with enthusiasm. After this success, the Hays Office yielded, even accepting the restored ending in which Tony is killed by the police. Further, discussion of the title was put to an end and the movie was released as *Scarface*. In April, United Artists finally started distribution. In some places – like Chicago – *Scarface* was

banned, but in the vast majority of the United States it was approved, even though it circulated in a variety of versions, depending on the local censorship boards' policy.

Among all the objections raised by the censors, there is almost no mention of the protagonist's not so hidden incestuous passion for his sister. "To him you're just another girl", says Mama Camonte to her daughter Cesca (Ann Dvorak), trying to save her from Tony's evil influence. Of course, what the old woman means is that Tony, who gives money to his sister, seems to love Cesca, but actually does not. From Mama's point of view, the money is corrupting Cesca. But when we see Tony repeatedly trying to prevent Cesca from flirting with boys, he begins to sound more like a jealous lover than a protective brother. At the film's end, when Tony discovers that Cesca is living with Guino, whom she has secretly married, he immediately kills him, even though Guino was his pal. Cesca seems to share this incestuous passion. In the final sequence, with Tony besieged by the police all around his house, Cesca tries to kill him and avenge Guino's death, but cannot shoot. Lowering her gun she says: "You're me, and I'm you. It's always been that way." Brother and sister embrace and, together, confront the police.

While the censors were very concerned about how Tony died (cowardly or heroically), they seem strangely unaware of what is going on between him and Cesca. In the material I examined at the Margaret Harrick Library, there is just one document where incest is openly mentioned. A short memo by Joy from July 1931 reads: "WE [sic] have told Mr. Derr and his associates that inasmuch as they have everything in the story, including the inferences of incest, the picture is beginning to look worse and worse to us, from a censorship point of view" (Joy 07/11/31). But this is the only occurrence of the word 'incest' in the archive. I think the censors did not overlook the incest issue for sloppiness or lack of perspicacity. Rather, I speculate that the censors accepted the idea of an incestuous protagonist because, in their eyes, it helped to demonize criminals.

In the report from June 1<sup>st</sup>, 1931 I already mentioned, Tony's behavior with his sister is listed as one of the possible sources of "glorification of the criminal" (Simon 1931, 2). The report states: "In the closing episode of this story Scarface is endowed with humane kindly qualities



especially as applied to the welfare of his sister” (Simon 1932, 2). According to the Hays Office, killing the man living with your sister means being a good brother. In the first drafts of the script, Cesca and Guino were not married, they simply lived together as lovers. So, the censors saw Guino’s killing as sound teaching against pre-marital sex. Joy considers Camonte a “home loving man, good to his mother and protective to his sister” (Joy 06/03/31). A “home loving” gangster was unacceptable for the Hays Office. Therefore, incest was a good option. A March 4, 1932 memo, which reconstructs the entire negotiation between Caddo and the Hays Office, reads: “It was agreed that further scenes would be shot to change the idea of a protective brother-sister relationship to that of jealousy” (Production Code Administration Records: *Scarface*, 061000). The sequence, present in the script, where Tony vacations in Florida with Poppy probably was deleted precisely because they were portrayed as a ‘normal’ couple, a man and a woman in love.

It is not just the Italian criminal who is disturbing. In Hollywood classical movies, the gangster, Italian or not, is very often a sociopath. His proclivity for violence is not just the result of the hard necessities of criminal activity. Pleasure is often involved, such as in Tony’s childish enthusiasm when he first fires a Tommy gun. The gangster is often portrayed as a brute, but also, quite contradictorily, as a man with some female traits. The Italian mobster’s passion for rings and necklaces does not look ‘manly’ from a WASP perspective. At the beginning of *Scarface*, when Poppy is still Johnny Lovo’s girl but Tony openly flirts with her, he boasts of his new suits. Noticing the ring on Tony’s little finger, she says: “I see you’re going in for jewelry. Kind of effeminate, isn’t it?” Poor Tony does not know the word, so he takes it as a compliment and happily replays: “Yeah.” In *Little Caesar*, Rico, another Italian-American gangster, played by Edward G. Robinson, is quite clearly portrayed as a closeted homosexual, secretly in love with his friend Joe Massara (Douglas Fairbanks Jr.).<sup>5</sup> Well beyond the borders of the criminal underworld, it is the Italian male per se, stereotyped as a clotheshorse with greased hair, that is problematic. Just think of

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<sup>5</sup> In the *BFI Companion to Crime*, Rico is mentioned as the first character of a long genealogy of closeted – or not so closeted – homosexual villains. See McGillivray 1997.

the controversy caused by Rudolph Valentino's 'effeminacy' in the twenties (see Hansen 1991). In his recent *The Divo and the Duce*, Giorgio Bertellini discusses the widespread WASP prejudice toward a supposed Italian "anthropological inadequacy" (Bertellini 2019, 124), that Valentino and his publicity managers sought to overcome.

In classical gangster movies, also non-Italian criminals can be problematic. In *The Public Enemy*, the protagonist is Irish and unquestionably heterosexual, but James Cagney still has a couple of 'excessive' moments, such as when he smashes a grapefruit in his moll's face, or when he imitates the tailor's 'pansy poses.'<sup>6</sup> In Raoul Walsh's *White Heat* (1949), Cagney is a more openly psychopathic hoodlum, childishly attached to his criminal mother and cursed by migraines, which at the time were long perceived as quintessentially feminine, just like hysteria (see Fischer 1993).<sup>7</sup> In Henry Hathaway's *Kiss of Death* (1947), the protagonist gangster Nick Bianco (Victor Mature), is 'redeemable' because he is a family man, precisely the quality the Hays Office asked be deleted in Tony Camonte's character – only law abiding citizens, or repentant outlaws, can love their family. Nick starts collaborating with the District Attorney to ensure a better future to his wife and two daughters. Nick's nemesis of northern European descent, Tommy Udo (Richard Widmark), is the quintessential hoodlum psychotic who kills an old woman with a devilish smile on his face, and prefers the company of his pals to his girlfriend, because "dames are no good if you want to have some fun."

Why are classical Hollywood criminals often portrayed as psychopath and/or 'sexual deviants'? First, the connection between criminal behavior and mental illness firmly roots in Western culture, dating to at least nineteenth-century positivism. As Cesare Lombroso scholar Silvano Montaldo writes: "The spreading of Lombroso's ideas to the USA, starting in the late 1890s, had played a decisive role in the birth of North American criminology" (Montaldo 2018, 38). Further, the gangster as psychopath is good both for the box office and the Hays Office. A

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<sup>6</sup> On the 'pansy' icon in the twenties and thirties, see Chauncey 1994.

<sup>7</sup> On the stereotype of the 'real' man as cold and rational, in opposition to a supposed feminine proclivity for irrational behavior, see Mosse 1996.

flamboyant criminal is intrinsically more interesting than a victimized one. Aligning criminality with ‘madness’ offers a more thrilling plot than a discussion of societal responsibility for criminals’ behavior, which constitutes a politically slippery approach that could attract unwanted attention from censors. In *Scarface*, there is no ‘sociological explanation’ because we know nothing about Tony’s past. When we first see him, at the end of the opening sequence, Tony is already in action: a shadow shooting Big Louie. He is the quintessential Hawks’ hero: a professional with no connections to his society.

Actually, there is a moment in *Scarface* that could explain Tony’s violence. Maybe, it was Tony’s service in the Great War. He could be one of the thousands of veterans intoxicated by violence, who continued fighting after the armistice, either in Fascist paramilitary organizations or in criminal gangs.<sup>8</sup> When we first see Tony with Johnny Lovo and Poppy, Tony explains the eponymous scar on his cheek as a battle wound: “I got it in the war.” But Lovo immediately dismisses it with a joke: “War with a blonde in a Brooklyn speakeasy.” Maybe Tony is just trying to impress Poppy. Or maybe he really was in the American Expeditionary Forces, like Al Capone (although Capone’s scar was the result of a fight with another criminal). The movie does not solve the mystery. The reference is so vague that scholars do not even mention it. Thomas Doherty, for example, attributes Tony’s scar to “a fight back in Brooklyn” (Doherty 1999, 148).

Trying to please the Hays Office, Hecht and Hawks created a character of mythic proportions, a dark hero<sup>9</sup> with no backstory, a man driven only by his atavistic instincts, a murderer whose actions have no root in history (World War 1) or society (Chicago’s corrupt political machine). He is a true force of nature, as Hecht describes him: “Always unconscious of any pose. It is natural. One of the hardest of thugs and gunmen, he stands out from the rest like a sore thumb because of a tremendous vitality” (Hecht 1931, 10). The Hays Office was so worried about any

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<sup>8</sup> On the connection between 1930s gangster movies and the First World War, see Smyth 2004.

<sup>9</sup> On the gangster as tragic hero see Warshow’s seminal essay from 1948.

possible “glorification of the criminal”, that it was even willing to accept incest as part of this “tremendous vitality”.

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